

OHIO E.P.A.

JAN 13 2012

ENTERED DIRECTOR'S JOURNAL

Effective Date JAN 13 2012

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

DIRECTOR'S FINAL
FINDINGS AND ORDERS

Ronald Holley :
6633 McCartney Rd :
Lowellville, OH 44436 :

Respondent,

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Ronald Holley (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) Chapter 6109 and § 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent's public water systems shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 6109 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA (Director) has determined the following findings:

1. Respondent owns and operates two "public water systems" (PWSs) at State Line Mobile Home Park 1 (State Line MHP 1) and State Line Mobile Home Park 2 (State Line MHP 2), which are "community water systems" as defined by ORC § 6109.01 and Ohio Administrative Code (OAC) Rule 3745-81-01.
2. State Line MHP 1 (PWS ID# OH5002812) serves a population of 25 and is located at 6633 McCartney Rd, Lowellville, (Mahoning County), Ohio 44436. State Line MHP 2 (PWS ID# OH5002112) serves a population of 35 and is located at 6633 McCartney Rd, Lowellville, (Mahoning County), Ohio 44436.

3. Each of the Respondent's PWSs obtains its drinking water from a separate "ground water" source as defined by OAC Rule 3745-81-01.
4. In accordance with OAC Rule 3745-81-21(A)(1)(a), a community water system using ground water and serving not more than one thousand (1000) persons shall monitor with at least one total coliform bacteria sample each month that the water system provides water to the public.
5. In violation of OAC Rule 3745-81-21(A)(1)(a), Respondent failed to monitor for total coliform bacteria during the months of July through September 2010, November 2010, and January 2011 at State Line MHP 1; and July through November 2010, January 2011 and October 2011 at State Line MHP 2.
6. In accordance with OAC Rule 3745-81-14(B), a PWS which monitors with fewer than forty (40) samples per month is in compliance with the maximum contaminant level (MCL) for total coliform bacteria when no more than one sample during the month is total coliform-positive.
7. In violation of OAC Rule 3745-81-14(B), Respondent exceeded the total coliform MCL when more than one sample was total coliform-positive during the month of August 2011 at State Line MHP 2.
8. On or about January 1, 2010, the Director issued chemical monitoring schedules (2010 monitoring schedules) to Respondent for the compliance period that began on January 1, 2010 and ended on December 31, 2010.
9. In accordance with OAC Rule 3745-81-23(B)(1), all ground water PWSs shall monitor annually to determine compliance with the MCL for nitrate.
10. In violation of OAC Rule 3745-81-23(B)(1), Respondent failed to monitor for nitrate during the monitoring period of January 1 to December 31, 2010 at both PWSs.
11. In accordance with OAC Rule 3745-81-26, community PWSs shall monitor for radionuclide contaminants according to a schedule provided by the Director.
12. In violation of OAC Rule 3745-81-26, and Respondent's 2010 monitoring schedules, Respondent failed to monitor for radionuclide contaminants during the January 1 to December 31, 2010 monitoring period at both PWSs.
13. In accordance with OAC Rule 3745-81-86(D)(4), a small PWS that does not exceed either the lead or copper action level during two consecutive six-month monitoring periods may reduce the frequency of sampling to once per year. Sampling is required during the June 1 to September 30 monitoring period.

14. In violation of OAC Rule 3745-81-86(D)(4) and Respondent's 2010 monitoring schedule, Respondent failed to collect annual lead and copper monitoring samples during the June 1 through September 30, 2010 monitoring period at both PWSs.
15. In accordance with OAC Rule 3745-81-80, all PWSs shall install and operate optimal corrosion control treatment and, if triggered, comply with applicable requirements in accordance with OAC Rules 3745-81-81 and 3745-81-82.
16. Respondent's PWSs exceeded the Lead 90th percentile action level at State Line MHP 1 in 2011, and State Line MHP 2 in 2007, triggering applicable requirements in accordance with OAC Rules 3745-81-81 and 3745-81-82. These requirements include, at a minimum, submitting lead and copper water quality control parameters and lead and copper corrosion control recommendation for State Line MHP 1, and installing corrosion control equipment for State Line MHP 2
17. In accordance with OAC Rule 3745-83-01(I)(1), the owner or operator of a PWS is required to monitor in accordance with OAC Rule 3745-83-01 (G) and (H) and shall prepare an operation report for each month of operation on forms acceptable to the Director.
18. In violation of OAC Rule 3745-83-01(I)(1), Respondent failed to submit monthly operating reports for the months of February and November 2011 for State Line MHP 1 and the month of February 2011 for State Line MHP 2.
19. In accordance with OAC Rule 3745-96-01 through 3745-96-04, by July 1 annually, each community water system shall provide to the Director the following information:
 - a. a copy of the Consumer Confidence Report (CCR); and
 - b. a distribution certification, on a form acceptable to the Director, certifying that the report has been distributed to customers, a good faith effort to reach non-bill paying customers has been completed, and that the information is correct and consistent with the compliance monitoring data previously submitted to the Director.
20. In violation of OAC Rules 3745-96-01 through 3745-96-04, Respondent failed to prepare and submit the 2009 CCR and distribution certification form to Ohio EPA by July 1, 2010 at both PWSs.
21. In accordance with OAC Rule 3745-81-32, the owner or operator of a PWS shall provide public notification for violations and submit copies of the required public notice and verification forms to the Director.

22. In violation of OAC Rule 3745-81-32, Respondent failed to issue public notification and submit a copy of the required public notice and verification form for:
 - a. failing to monitor for total coliform bacteria during the months of July through September 2010, November 2010, and January 2011 at State Line MHP 1; and July through November 2010, January 2011 and October 2011 at State Line MHP 2;
 - b. exceeding the total coliform MCL when more than one sample was total coliform-positive during the month of August 2011 at State Line MHP 2;
 - c. failing to monitor for nitrate during the monitoring period of January 1 to December 31, 2010 at both PWSs;
 - d. failing to monitor for radionuclide contaminants during the monitoring period January 1 to December 31, 2010 at both PWSs; and
 - e. failing to monitor for lead and copper tap samples during the monitoring period June 1 to September 30, 2010 at both PWSs.
23. In accordance with OAC Rule 3745-85-01(B) , each community water system shall prepare and maintain a written contingency plan for providing safe drinking water to its service area under emergency conditions.
24. In accordance with OAC Rule 3745-85-01(E)(1), the contingency plan required by OAC Rule 374-85-01 shall be revised and updated as necessary, but at least annually.
25. In violation of OAC Rules 3745-85-01(B) and 3745-85-01(E)(1), Respondent has failed to maintain an updated written contingency plan at both PWSs.
26. In accordance with OAC Rule 3745-81-21(A), a PWS shall collect total coliform routine samples at sites which are representative of water throughout the distribution system according to a written sample siting plan. Such plans are subject to review and revision by the Director.
27. In violation of OAC Rule 3745-81-21(A), Respondent failed to prepare an acceptable written total coliform bacteria sample siting plan at both PWSs.
28. In accordance with OAC Rule 3745-07-02(A), each person owning or operating a PWS shall designate one or more operators of record to oversee the technical operation of the PWS. Each operator of record shall have a valid certification of a class equal to or greater than the classification of the PWS.
29. In violation of OAC Rule 3745-7-02(A)(1), Respondent has failed to maintain a Class A or higher certified operator of record at both PWSs.

30. Two Limited Scope Site Visits (LSSVs) were conducted by Ohio EPA at State Line MHP 1 and 2 on January 28, 2011 and October 19, 2011. On October 24, 2011, a letter was sent to Respondent requiring the following corrective actions addressing deficiencies identified during the LSSVs:
 - a. well 1 of State Line MHP 2 is not properly abandoned;
 - b. electrical conduit at well 2 at State Line MHP 2 is not properly adjoined to the well casing and is not water tight to prevent contamination to the raw water;
 - c. chlorine solution tank at State Line MHP 2 does not meet "American National Standards Institute / National Sanitation Foundation (ANSI/NSF) standard 60 Drinking Water Treatment Chemicals requirements; and
 - d. treatment room floor and equipment at State Line MHP 2 is below grade.
31. In accordance with OAC Rule 3745-91-08 and the "Guidelines for Design of Small Public Ground Water Systems", disinfection systems for community public water systems shall provide thirty minutes of chlorine contact time.
32. In violation of OAC Rule 3745-91-08 and the "Guidelines for Design of Small Public Ground Water Systems", the chlorine contact tank at State Line MHP 2 is disconnected.
33. In accordance with OAC Rule 3745-83-01(C)(1), all community public water systems shall maintain a minimum chlorine residual of at least two-tenths milligram per liter free chlorine, or one milligram per liter combined chlorine at representative points throughout the distribution system.
34. In violation of OAC Rule 3745-83-01(C)(1), during the January 28, 2011, limited scope site visit (LSSV), Respondent failed to maintain the required minimum chlorine residual.
35. Each violation cited above represents a separate violation of ORC § 6109.31.
36. In accordance with OAC Rule 3745-84-02(A), no person shall operate or maintain a PWS in the state of Ohio without a PWS license issued by the Director.
37. In accordance with OAC Rule 3745-84-03, Respondent submitted an application and application fee for license to operate (LTO) renewals for State Line MHP 1 and State Line MHP 2 on December 16, 2011.

38. In accordance with OAC Rule 3745-84-06(A), the Director may condition an LTO at any time to require corrections of violations of ORC Chapter 6109 and the administrative rules adopted there under.

V. ORDERS

1. From the effective date of these Orders through January 30, 2013, the LTO renewals for Respondent's PWSs are issued with the conditions listed in Orders No. 2 through 14, in accordance with OAC Rule 3745-84-06.
2. From the effective date of these Orders, Respondent shall prominently display the conditioned LTOs at the offices of the PWSs, in accordance with OAC Rule 3745-84-04(D), at both State Line MHP 1 (PWS ID# OH5002812) and State Line MHP 2 (PWS ID# OH5002112).
3. From the effective date of these Orders, Respondent shall comply with all current and future contaminant monitoring schedules issued by the Director for both PWSs.
4. From the effective date of these Orders, Respondent shall fulfill all applicable requirements in accordance with OAC Rules 3745-81-81 and 3745-81-82, to address the Lead 90th percentile action level exceedances at both PWSs, including, but not limited to:
 - a. Within thirty (30) days of the effective date of these Orders, submit lead and copper water quality control parameters for State Line MHP 1; and
 - b. By March 1, 2012, submit a lead and copper corrosion control recommendation for State Line MHP 1.
5. From the effective date of these Orders, Respondent shall continue to prepare and issue CCRs in accordance with OAC Chapter 3745-96 for both PWSs.
6. From the effective date of these Orders, Respondent shall prepare an operation report for each PWS for each month of operation in a format acceptable to the Director, and the monthly operation reports shall be submitted to the Ohio EPA no later than the tenth of the month following the month for which the reports were prepared, in accordance with OAC Rule 3745-83-01.
7. Within fourteen (14) days of the effective date of these Orders, Respondent shall remedy the violation in Finding No. 22 by issuing a public notification and by submitting copies of the required public notice and verification form to the Ohio EPA, Division of Drinking and Ground Waters (DDAGW), Central Office (CO),

Lazarus Government Center, P.O. Box 1049, Columbus, Ohio 43216-1049, Attn: Katie Hernandez, in accordance with OAC Rule 3745-81-32, for:

- a. failing to monitor for total coliform bacteria during the months of July through September 2010, November 2010, and January 2011 at State Line MHP 1; and July through November, 2010, January 2011 and October 2011 at State Line MHP 2;
 - b. exceeding the total coliform MCL during the month of August 2011 at State Line MHP 2;
 - c. failing to monitor for nitrate during the monitoring period of January 1 to December 31, 2010 at both PWSs;
 - d. failing to monitor for radionuclide contaminants during the monitoring period January 1 to December 31, 2010 at both PWSs; and
 - e. failing to monitor for lead and copper tap samples during the monitoring period June 1 to September 30, 2010 at both PWSs.
8. From the effective date of these Orders, Respondent shall maintain a minimum chlorine residual of at least two-tenths milligram per liter free chlorine, or one milligram per liter combined chlorine measured with a digital DBP chlorine test kit at the entry point into each PWS's distribution system and at representative locations in the distribution systems in accordance with OAC Rule 3745-83-01 and 3745-81-27(C)(1).
 9. From the effective date of these Orders, Respondent shall maintain and update at least annually the contingency plan for each PWS in accordance with OAC Chapter 3745-85.
 10. From the effective date of these Orders, Respondent shall prepare an acceptable written total coliform bacteria sample siting plan for each PWS in accordance with OAC Rule 3745-81-21(A).
 11. From the effective date of these Orders, Respondent shall maintain an Operator of Record with at least a Class A Water Supply license for at least the minimum staffing time required by OAC Rule 3745-7-04 for each PWS, and shall complete and return the Operator of Record notification forms within ten (10) days of the effective date of these Orders to Ohio EPA, DDAGW, P.O. Box 1049, Columbus, Ohio 43216-1049, Attn: Katie Hernandez, in accordance with OAC Rule 3745-7-02.
 12. Within thirty (30) days of the effective date of these Orders, Respondent shall ensure that the electrical conduit at well 2 at State Line MHP 2 is properly adjoined to the well casing and is water tight to prevent contamination to the raw water in accordance with OAC Rule 3745-9-05.

13. Within sixty (60) days of the effective date of these Orders, Respondent shall properly abandon well 1 of State Line MHP 2 in accordance with OAC Rules 3745-9-07, 3745-9-10 and "The State of Ohio Technical Guide for Sealing Unused Wells-1996" using a certified well driller. Within thirty (30) days of sealing the well, Respondent shall submit a copy of the Ohio Department of Natural Resources (ODNR) well sealing report to the address listed in Section IX, in accordance with OAC Rule 3745-9-10.
14. Within sixty (60) days of the effective date of these Orders, Respondent shall submit detail plans to the address listed in Section IX which address:
 - a. bringing the treatment room and equipment of State Line MHP 2 above grade in accordance with OAC 3745-9-02(R)(2);
 - b. the disconnected chlorine contact tank at State Line MHP 2, ensuring that 30 minutes of chlorine contact time is provided in accordance with the Guidelines for Design of Small Public Ground Water Systems;
 - c. the chlorine solution tank at State Line MHP 2, ensuring that it meets ANSI/NSF standard 60 Drinking Water Treatment Chemicals requirements; and
 - d. corrosion control treatment equipment as specified in the approved corrosion control recommendation for State Line MHP 2.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate upon renewal of the LTOs for Respondent's PWSs or upon any subsequent LTO action by the Director.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to the operation of Respondent's PWSs.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and

regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. NOTICE

Except as noted otherwise in specific orders, all documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Northeast District Office
Division of Drinking and Ground Waters
2110 E. Aurora Road
Twinsburg, Ohio 44087
Attn: Dave Maschak

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

X. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against Respondent for noncompliance with these Orders and/or for the violations described herein. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Respondent to perform additional activities pursuant to ORC Chapter 6109 or any other applicable law in the future. Nothing herein shall restrict the right of Respondent to raise any administrative, legal or equitable claim or defense with respect to such further action which Ohio EPA may seek to require of Respondent. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

XI. APPEAL RIGHTS

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC § 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Treasurer, State of Ohio," which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause

extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
77 South High Street, 17th Floor
Columbus, OH 43215

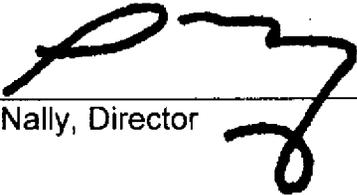
XII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

IT IS SO ORDERED:

Ohio Environmental Protection Agency

Scott J. Nally, Director



JAN 13 2012

Date